

IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF PENNSYLVANIA

SANFORD WILLIAMS JR.,

PLAINTIFF

FILED
SCRANTON

NO. 3:20-CV-0465

CIVIL ACTION

Commonwealth of PA,

DEFENDANT

OCT 30 2020

PER

DEPUTY CLERK

MEMORANDUM OF LAW

THIS IS A CIVIL RIGHTS ACTION, FILING OF THE HABEAS CORPUS IN THE MATTER BY SANFORD WILLIAMS JR.,

PLAINTIFF ASSERTS CLAIMS UNDER 28 U.S.C. 2244 AGAINST THE COMMONWEALTH OF PENNSYLVANIA FOR MALICIOUS PROSECUTION, FALSE ARREST, NEGLIGENCE, ILLEGAL SEARCH AND SEIZURE AND DETRIMENTATION OF CHARACTER.

THIS IS A SUPPLEMENT PETITION IN SUPPORT OF PLAINTIFF'S CLAIMS. PLAINTIFF IS CHALLENGING THE VALIDITY OF AN ILLEGAL SENTENCE THAT HE IS CURRENTLY SERVING IN THE PA. STATE PRISON, WHICH PLAINTIFF AVERES AS FOLLOWS:

1. PLAINTIFF STATES THAT BESIDE FROM BEING FALSELY ARRESTED AND CHARGED WITH AN F-3 RETAIL THEFT OFFENSE AND WITH AN F-3 CONSPIRACY OFFENSE, THE COURT IMPOSED AN ILLEGAL / PROHIBITED SENTENCE UPON PLAINTIFF.
2. ON DECEMBER 19, 2019, PLAINTIFF PLED GUILTY TO AN M-1 CONSPIRACY TO COMMIT RETAIL THEFT THROUGH HIS

MEMORANDUM OF LAW

Defense Counsel ill-fated advise, which the Court imposed a 6 to 24 months sentence running concurrently with Plaintiff original state sentence effective as of December 19, 2019.

3. Plaintiff states that Defense Counsel Royer knew or should have known of the prohibited sentence and being an ineffective assistance of counsel, he failed to raise/argue the matter in court.
4. Plaintiff states, subsequently, during the course of research regarding the case, it was disclosed to Plaintiff that the Court imposed a prohibited 6 to 24 months prison sentence upon Plaintiff, which it was disclosed that under Convicted Parole Violator (which in essence, Plaintiff was a Parole Violator) 61 PS Section 331.21 of the Parole Act which outlines the requirement of an individual's recommitment. In essence, it clearly states that the Act prohibits serving the time remaining on the original sentence concurrently with any new sentences received. An individual paroled from one jurisdiction receiving a new sentence to the same jurisdiction will serve the original sentence first. This has been affirmed by the

PENNSYLVANIA SUPREME COURT, IN ITS DECISION SHELDON DORIAN V COMMONWEALTH OF PENNSYLVANIA IN COMMONWEALTH V DRAPER CITES THAT REGARDLESS OF A JUDGE'S CLEAR INTENTIONS TO THE CONTRARY, THE NEW SENTENCE / BACK TIME CANNOT BE SERVED CONCURRENTLY.

5. PLAINTIFF STATES, THAT THE ILLEGAL / PROHIBITED 6 TO 24 MONTHS PRISON SENTENCE PREJUDICED PLAINTIFF AND WAS EXTREMELY UNJUST TO PLAINTIFF.
6. THE PA. PAROLE BOARD DID NOT ACKNOWLEDGE THE ILLEGAL / PROHIBITED 6 TO 24 MONTHS SENTENCE. IN ESSENCE, AS A RESULT OF THE PAROLE BOARD NOT ACKNOWLEDGING (ACKNOWLEDGING) THE COURT ORDER (IMPOSED SENTENCE), THE COURT IMPOSED 6 TO 24 MONTHS SENTENCE WAS NOT EFFECTIVE AS OF DECEMBER 19, 2019 AS THE COURT ORDERED, WHICH PLAINTIFF'S MINIMUM PAROLE ELIGIBILITY DATE WAS SUPPOSE TO HAVE BEEN JUNE 19, 2020, AND AS A RESULT OF THE PAROLE BOARD NOT ACKNOWLEDGING THE COURT'S ORDER, ACCORDING TO ITS STANDARDS, IT EXTENDED PLAINTIFF MINIMUM PAROLE ELIGIBILITY DATE FROM JUNE 19, 2020 TO NOVEMBER, 2020.
7. PLAINTIFF HAS EXHAUSTED ALL OF HIS REMEDIES IN THE TRIAL COURT WHICH WERE TO NO AVAIL. PLAINTIFF YET

has PENDING PRO SE MOTIONS IN THE COURT REGARDING THE MATTER THAT IS BEING PROLONGED. IN ESSENCE, DEFENSE COUNSEL ENTWISTLE STATED PLAINTIFF'S CLAIMS REGARDING HIS P.C.R.A. MOTION DID NOT HAVE MERIT WHEN IT DID HAVE MERIT, WHICH PLAINTIFF SUBSEQUENTLY REQUESTED THE COURT TO REMOVE DEFENSE COUNSEL ENTWISTLE FROM THE CASE, WHICH THE COURT GRANTED PLAINTIFF'S REQUEST AND DEFENSE COUNSEL ENTWISTLE IS NO LONGER COUNSEL OF RECORD, IN THIS CASE, AS A RESULT OF BEING "INEFFECTIVE ASSISTANCE OF COUNSEL".

Relief:

PLAINTIFF REQUESTS THE COURT RESPECTFULLY, THAT UPON REVIEWING THE EVIDENCE PRESENTED, TO CORRECT ANY DEFICIENCIES AND OMISSIONS AND IF THE COURT RULING IS FAVORABLE TO PLAINTIFF, TO DISMISS THE PROHIBITED / ILLEGAL SENTENCE AGAINST PLAINTIFF.

DATED: 10-25-2020

RESPECTFULLY SUBMITTED,

Sanford Williams Jr.
PRO SE

Williams v Commonwealth of PA.No. 3:20-cv-0465

Exhibit A.

This is A COPY OF COURT ORDER REGARDING THE
LEGAL / PROHIBITED 6 TO 24 MONTHS PRISON SENTENCE
WHICH SHOWS THE COURT IMPOSED SENTENCE WAS
ORDERED EFFECTIVELY ON DECEMBER 19, 2019, WHICH
THE COMMONWEALTH OF PA. PAROLE BOARD WAS IN
DEFIANT TO THE COURT'S ORDER. (ALSO, SEE THE
SENTENCING TRANSCRIPTS) DATED: DECEMBER 19, 2019,
WHICH SHOWS THE 6 TO 24 MONTHS PRISON
SENTENCE WERE ORDERED TO BE RUN "CONCURRENT"
WITH PLAINTIFF'S ORIGINAL PRISON SENTENCE

10-25-2020

Williams v Commonwealth of PA.NO. 3:20-CV-0465EXHIBIT A.

1 IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
 2 Criminal
 3 Commonwealth of Pennsylvania

Vs

CP-01-CR-413-2019

Sanford Williams, Jr.

ORDER OF COURT

6 AND NOW, this 19th day of December, 2019, the
 7 Defendant appeared via video-conferencing and was represented
 8 by counsel for sentencing as a result of a guilty plea
 9 entered October 7, 2019 to Count 2 as amended, conspiracy to
 10 commit retail theft, in violation of Section 903(a)(1) of the
 11 Pennsylvania Crimes Code as a misdemeanor of the first
 12 degree.

13 The Court has received and reviewed a presentence
 14 investigation report. It is noted that the Defendant's prior
 15 record score is RFEL. The standard guideline range is six to
 16 less than 12. The Defendant has 36 adult arrests with 23
 17 convictions. His criminal history is consistent spanning
 18 back to 1963. The majority of convictions are theft or
 19 burglary related matters.

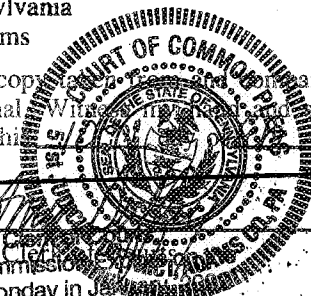
20 The parties had agreed at the time the plea was
 21 entered to a cap of 6 to 24 months SCI. The Court deems that
 22 sentence to be appropriate.

23 Accordingly, the sentence of the Court is that the
 24 Defendant will serve no less than six months nor more than
 25 24 months in a state correctional institution designated by
 26 the State Department of Corrections. The sentence is
 27 effective today.

DATED: 10-25-2020

Respectfully Submitted, *[Signature]**PROSS**Sanford Williams Jr.*State of Pennsylvania
County of Adams

This is a true copy of the original filed with the original at Gettysburg this 5/10/20

Deputy Clerk
My Commission Expires
First Monday in Jan

FILED CLERK OF COURTS 20 DEC. 2019 14:47 COPY IN. PD. PD-INT-1 RDP. SH

Sanford Williams Jr.
502 Smithfield Rd 1420
1120 Pike Street
Huntingdon, PA. 16652

CLERK OF COURTS
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PA.
235 N. WASHINGTON AVENUE
SCRANTON, PA. 18501

Williams v Commonwealth of PA.
NO. 3:20 CV 0465

FILED
SCRANTON

OCT 30 2020

PER

DEPUTY CLERK

DEAR COURT CLERK,

PLEASE FIND ENCLOSED IN THIS LETTER AN
ORIGINAL COPY OF MEMORANDUM OF LAW AND
A COPY OF EXHIBIT A. THAT IS IN SUPPORT
OF PLAINTIFF CIVIL ACTION CLAIMS, WHICH
PLAINTIFF WOULD LIKE FOR YOUR OFFICE TO FILE
WITH THE COURT.

THANK YOU KINDLY,

DATED: 10-25-2020

Yours truly,
Sanford Williams Jr.
PRO SE

Smart Communications/PADOC

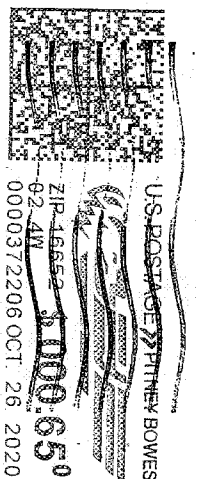
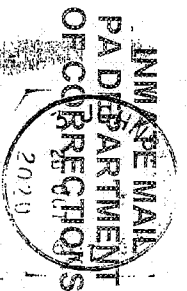
SCI- *Smithfield*

Name *Antel Williams Jr.*

Number *AD 1420*

PO Box 33028

St Petersburg FL 33733



PROCESSED
OCT 30 2020

*Clerk of Courts
United States District Court
Middle District of PA,
P.O. Box 1148*

Legal Mail PER *Q* *SECRETARY, PA, 18521*

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